

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
August 10, 2021
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, and Becky Patel.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

Alderman Lintz noted a minor correction in the minutes "...Ward 3 held an in-person coffee session..."

Motion made by Alderman Lintz to approve the August 10, 2021 minutes as corrected. Alderman Berkowitz seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE - DOWNTOWN DEVELOPMENT OVERLAY DISTRICT STANDARDS PROJECT SUMMARY IN PREPARATION FOR FUTURE CONSIDERATION OF AMENDMENTS TO CHAPTER 410, OVERLAY AND URBAN DESIGN ZONING DISTRICTS, ARTICLES III AND IV

To be continued to the August 24, 2021 BOA meeting

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR 6611-6619 CLAYTON ROAD

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and resolution approving an application for a Conditional Use Permit submitted by Period Restoration, LLC, buyer under contract, to allow the conversion of the existing building located at 6611-6619 Clayton Road to ten residential units.

The subject property is zoned C-2 General Commercial District and is located in the Clayton Road Urban Design District. Multi-family residential uses are allowable in the Clayton Road Urban Design District provided a Conditional Use Permit is approved by the Board of Aldermen.

Tyler Stephens, CORE10 Architecture, addressed the Board providing a presentation of the subject property and project.

Alderman Berkowitz corrected a statement made by Mr. Stephens and explained that Katie's Pizza was in fact a success at this location, but due to other circumstances they had to relocate. He added that he is in support of the proposed project as it is presented.

In response to Mayor Harris' question, Mr. Stephens explained that the parking lot at Alamo and St. Rita is tied with the building and owned by the same owner who has plans for townhomes to be built soon.

Alderman Lintz expressed his support of the proposed project, and that the neighborhood is appreciative as well. He expressed concern about the potential traffic in the alley as it relates to the garage to be built with the project.

Alderman Patel agreed with Alderman Lintz stating that the neighborhood is very appreciative.

Barb Nauert, citizen, addressed the Board, expressing her thanks and that the neighborhood residents are pleased that this project is a good use for the area.

Mayor Harris closed the public hearing.

Motion made by Alderman Lintz to approve Resolution No. 2021-13, granting a Conditional Use Permit for 6611-6619 Clayton Road to allow for a multi-family residential unit. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER ADOPTING AN AMENDMENT TO THE SPECIAL DEVELOPMENT SUBDISTRICT PLAN FOR SUBDISTRICT 2A OF THE CENTENE CLAYTON CAMPUS DEVELOPMENT

Mayor Harris opened the public hearing and requested proof of publication.

City Manager David Gipson reported that this is a request for consideration of an amendment to the approved Special Development Subdistrict 2A plans to add a "Medical Office" land use to the existing allowable use of "Retail" for the "Ground Level" of the east parking garage, constructed as part of the Subdistrict 2A development plan. The addition of the "Medical Office" land use is limited to this area of the existing garage.

The subject property has a zoning designation of Special Development District (SDD) and is part of the multi-phase Centene Clayton Campus. Subdistrict 2A is bounded by Forsyth Boulevard to the north, Carondelet Plaza to the south and east, and South Lyle Avenue to the west. The Special Development District Plan was approved by the Board of Aldermen on February 23, 2021 via Ordinance No. 6681.

This request is being considered concurrently with a request to amend the previously adopted Special Development District and Special Development Plan (adopted by Ordinance No. 6465). The Special Development Plan provides the general development standards for the proposed development including the location of project phases and schedules, location and use of each proposed building, the allowable land uses, the maximum height and size of each building, the location of open space and landscape buffers, general traffic circulation and the location of parking.

Raphael Tobias, Project Manager, addressed the Board providing a brief overview of the retail space. He stated that the request for the amendment is in order to put an orthodontics' office in the location.

In response to Alderman McAndrew's question regarding clarification that the space will be used only for a medical office City Manager Gipson confirmed that this one particular space on the ground floor level will be designated for a medical office.

Alderman Berkowitz inquired as to if this was the space initially earmarked as the ticket office for the entertainment center.

Mr. Tobias confirmed that the space was earmarked as the ticket office for the entertainment venue.

Hank Winkleman, citizen, addressed the Board stating that he appreciates the discussion, and this is a remarkable step to move forward in the neighborhood. He encouraged the Board to be aggressive and robustly include the community in the discussions. This is a wonderful opportunity for people to impact and shape Clayton. He encouraged the Board to aggressively explore the opportunities with the community to talk about architecture, open space, edges, streets, and this "gateway" (the east side) into Clayton.

Mayor Harris commented that retail has dramatically changed over the last decade; considerably over the last year and that the city will take a look at the retail, have discussions and possibly create future goals.

Mayor Harris closed the public hearing.

City Attorney O'Keefe noted that the bills were out of the correct sequence and asked that they be introduced with Bill No. 6854 first, then Bill No. 6853 second.

Alderman Lintz introduced Bill No. 6854, an ordinance to repeal the previously adopted SDD plan (Ord 6681) and approve an amended SDD Plan for the Centene Clayton Campus SDD to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6854, first reading, an Ordinance Repealing a Previously Adopted Special Development District Plan and Approving an Amended Special Development District Plan for the Centene Clayton Campus Special Development

District, Subject to the Requirements Set Forth in the Code of Ordinances of the City of Clayton, Missouri, and Conditions Specified Herein; Approving and Authorizing Other Actions Related Thereto, and Repealing All Conflicting Ordinances by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6854 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6854, an ordinance to repeal the previously adopted SDD plan (Ord 6681) and approve an amended SDD Plan for the Centene Clayton Campus SDD to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6854, second reading, an Ordinance Repealing a Previously Adopted Special Development District Plan and Approving an Amended Special Development District Plan for the Centene Clayton Campus Special Development District, Subject to the Requirements Set Forth in the Code of Ordinances of the City of Clayton, Missouri, and Conditions Specified Herein; Approving and Authorizing Other Actions Related Thereto, and Repealing All Conflicting Ordinances by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6712 of the City of Clayton.

Alderman Lintz introduced Bill No. 6853, to repeal the Subdistrict 2A Development Plan for the Centene Clayton Campus Special Development District (SDD) and approve an amended Subdistrict 2A Development Plan to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6853, first reading, an Ordinance Repealing the Subdistrict 2A Subdistrict Development Plan for the Centene Clayton Campus Special Development District and Approving an Amended Subdistrict 2A Development Plan in Lieu Thereof; and Other Actions Related Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6853 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6853, to repeal the Subdistrict 2A Development Plan for the Centene Clayton Campus Special Development District (SDD) and approve an amended Subdistrict 2A Development Plan to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6853, second reading, an Ordinance Repealing the Subdistrict 2A Subdistrict Development Plan for the Centene Clayton Campus Special Development District and Approving an Amended Subdistrict 2A Development Plan in Lieu Thereof; and Other Actions Related Thereto by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6713 of the City of Clayton.

A RESOLUTION TO CONSIDER AUTHORIZING THE SUBMITTAL OF A MUNICIPAL PARKS GRANT APPLICATION FOR CONSTRUCTION OF A POCKET PARK AT 7811 MARYLAND AVENUE

City Manager Gipson reported that included in the City’s FY22 Capital Improvement Budget is funding for the construction of a new park at 7811 Maryland Avenue. The land was acquired in 2018 with the intent to create an Urban Park in Downtown Clayton. Since that time, SWT was retained to develop a design for the park. The conceptual design was approved in 2019 and, since that time, the Clayton Community Foundation (CCF) has been raising funds to help pay for this project. To date, they have raised more than \$80,000 and are waiting to hear back on several grants that would bring their total to more than \$100,000. In order to move this project forward, City staff recommends applying for a grant of up to \$225,000. If this application is successful, the grant along with funds raised by CCF will provide the resources necessary to develop the site into a new public park. The City should receive notification before the end of the year with the intent to begin the work in early 2022.

Patty DeForrest, Director of Parks, addressed the Board providing an overall summary of the project.

In response to Alderman Lintz’ question, Patty DeForrest stated that the City is expected to spend \$15,000 (or less) out of the capital fund. The city needs to contribute 5% of the project costs which is \$15,000.

In response to Mayor Harris’ question, Patty DeForrest stated that the proposed cost is \$350,000, demolition bids received were very good, and that they are also preparing to apply for an additional grant (\$25,000) with the Missouri State Conservation Department.

In response to Alderman Lintz’ question, Patty DeForrest stated that staff will work to keep the city’s cost as low as possible.

In response to Mayor Harris’ question, Patty DeForrest said that with the additional anticipated \$25,000 grant from the Missouri Department of Conservation she does not expect the city to spend more than \$15,000.

In response to Alderman Berkowitz’ question, City Manager Gipson said that the Park Grant would be \$225,000, \$80,000-\$100,000 from Clayton Community Foundation; \$25,000 MO Department of Conservation; and \$15,000 from the city. The demolition bids (FY2021) came in under \$100,000 as anticipated, therefore it is expected to use little or no costs to the city.

In response to Alderman Berkowitz question, Patty DeForrest explained the process of applying for the grant and the option(s) of receiving more than expected or not receiving what is expected.

City Manager Gipson added that we have the demolition ready to go and may not have another opportunity to do this project basically for free. As Patty said previously, if there is some reason that there is a problem with the grant then the city can give it back. If there is thought that 100% funding is needed for the project and/or we do not move forward with the project than he questions whether we should do the demolition right now. He prefers not to spend \$100,000 to demo the building, but instead prefer to list the property rather than sit on it for a long time in hopes of getting leveraged funding again. He stated that this is a unique situation where a park can be built without almost no capital outlay and feels this is something to consider before they move forward with the demolition.

Alderman Buse expressed that the Parks and Recreation Commission was very enthusiastic about the project because it is nice on the the city budget and a pocket park would be a good addition to the area. She thanked Patty for the presentation and all of the work that her team did on the project.

Alderman Berkowitz expressed concerns with spending money at this time considering the City's finances.

Mayor Harris stated that this project has been in the works for a while, and it has received a lot of support. Due to the ballot measure failing they should not do any extra projects, but this project was started two years ago, and an investment was made, and every effort is made to recover all costs except for the \$15,000. She inquired as to possibly delaying the demolition until a later date.

Alderman McAndrew commented that she appreciates and agrees that we continue to find every cost saving measure, but we are getting a beautiful little pocket park. The benefit of this project vastly outweighs the \$15,000 cost to the city (i.e., environmental, more traffic-foot), the library across the street, etc.). She supports moving forward with this project and the demolition.

Alderman Patel commented that her first reaction was to get excited because of her background experience with Parks & Rec and CCF that this project could happen, but then she took a more critical stance and was concerned about the wisdom of proceeding with the project that isn't necessary based on what was heard from the residents on August 3. She feels that at this point after hearing that the project has started and numbers are already coming in somewhat significantly under budget that it is a good sign, and the fact that essentially this is an opportunity to get it almost paid in full. Ira helped us clarify that submitting for the grant we would still have the opportunity once we find out about the disposition of the grant application to make a final decision. She stated that based upon all that she supports proceeding with the project, the demo, and submitting the grant application also. She expressed her thanks to Patty, her team, and CCF.

Alderman Lintz commented that as of this afternoon he was against it because we shouldn't be spending money yet; we have a Parks & Rec Master Plan that we are thinking about and we should hold off and make sure this is what we want to do. He wasn't aware that CCF had

already raised that much money and they were still raising. The demo cost came in under budget and hearing City Manager Gipson say that we are almost getting it for free, he is okay with moving forward.

Cheryl Miller, citizen, addressed the Board asking who was providing the grant.

Patty DeForrest stated that it is through the St. Louis County Municipal Parks Commission.

Motion made by Alderman Lintz to approve Resolution No. 2021-14, authorizing the submittal of a Municipal Parks Grant for construction of a pocket park at 7811 Maryland Avenue. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER SETTING PUBLIC HEARINGS FOR CONSIDERATION OF THE PROPOSED PROPERTY TAX LEVIES FOR TAX YEAR 2021 (FISCAL YEAR 2022) AND THE FISCAL YEAR 2022 OPERATING AND CAPITAL IMPROVEMENT BUDGET

City Manager Gipson reported that the Board of Aldermen has received the City Manager's proposed Fiscal Year 2022 (FY 22) Operating and Capital Improvement Budget. The City has also recently received assessed valuation information from St. Louis County for calculating the 2021 (FY 22) property taxes. As part of the property tax and budget process, the Board is required to hold a public hearing to seek public input prior to formal adoption.

Staff is recommending that a public hearing be scheduled for September 14, 2021, at 7:00 p.m. at the regular Board of Aldermen meeting for both the property tax levy hearing, and also the Fiscal Year 2022 budget hearing.

City Manager Gipson added that a public budget work session will also be held on August 20, 2021.

Mayor Harris suggested that the information is posted to the City's website.

Motion made by Alderman Lintz to approve setting the public hearing date of September 14, 2021, for the Property Tax Levies (tax year 2021) and the FY2022 Operating and Capital Improvement Budget. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

MOTION TO CONSIDER APPROVING AN APPOINTMENT TO THE BOARDS AND COMMISSIONS

City Manager Gipson reported that Jeff Leonard, Ward 3 resident, has expressed interest in being appointed to serve as a member of the Sustainability Committee. Mayor Harris has reviewed the application and recommends the appointment for the Board's consideration.

Motion made by Alderman Lintz to approve the appointment of Jeff Leonard as a member of the Sustainability Committee to complete an unexpired term through June 30, 2022. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz asked that the Board reconsider a moratorium in receiving compensation as an effort to help the city's financial constraints.

Alderman McAndrew recalled that this issue came up a year ago during the time the pandemic started and at that time she thought that City Attorney O'Keefe informed the Board that they could not forgo or have a moratorium on their compensation.

City Attorney O'Keefe stated that the Board cannot increase the compensation of an elected official during the term of office. There is a body of law that says once elected, that persona is entitle to their compensation until or unless they are removed from office. He said that the Board cannot decide for others that they will not receive their compensation. He added that there is nothing to prohibit the Board members from voluntarily relinquishing their pay. He offered to explore the issue and provide a comprehensive analysis if that was the Board's wishes.

Alderman Buse noted that for the cost to have City Attorney O'Keefe investigate this issue it may be defeating the financial purpose.

Mayor Harris stated that she appreciates Alderman Berkowitz' suggestion and that it would not be a material savings, but it would send a message on how serious the elected officials are in finding ways to reduce costs. She is in support of volunteering to forgo her salary for a period of time going forward.

Alderman Lintz commented that, stating for the public, currently he makes \$2216.40 per year, and he would voluntarily support giving up his salary.

Alderman Berkowitz stated that he is in full support of voluntarily forgoing his salary.

Alderman Patel commented that the compensation received for this position is in no way reflective of the level of effort and time that is put in for the job or any statistical difference in her quality of life, but she does feel it is important that the work is compensated. She said that it occurred to her that if her daughter was still young enough and needed childcare and if we were not in a pandemic - meeting over Zoom she would have to pay for babysitting to attend all of the meetings required. She feels there is something to be said from an equity and accessibility view, no offense to those who are retired, but not just retired folks to serve on the Board. It is her general philosophy she has about compensating people for their time. She strongly encourages folks who are looking for a way to give back to the City of Clayton to remember the non-profit partner which is CCF.

Other

Alderman Berkowitz reported on the following:

- Plan Commission/ARB – H3 presentation.
- August 3 election – Proposition A failed; welcome Gary Feder, Ward 3 Alderman

City Attorney O’Keefe explained to the public that we recognize that Mr. Feder won the election the city has not received the certified election results from the St. Louis County Board of Election Commissions, which is usually received within two weeks of the election. Once those certified results are received Mr. Feder will than be sworn in, most likely at the next meeting on August 24.

Alderman Buse reported on the following:

- Parks & Recreation Commission – discussions on Anderson Park, pocket park (grants and funding), and construction at Oak Knoll Park.

Alderman Patel reported on the following:

- Uniformed Pension and Non-Uniformed Pension Board
- Attended (virtually) the Racial Equity Summit-Ferguson

Mayor Harris reported on the following:

- Commemorative Landscape Committee
- CCF History

City Manager Gipson reminded everyone of the scheduled budget work session on August 20; BOA/Staff Retreat on September 21 and 22nd.

There being no further business the meeting adjourned at 8:26 p.m.

Mayor

ATTEST:

City Clerk